

REMARKS

Applicants appreciate the thorough examination of the current application as evidenced by the Office Action dated July 15, 2005 (the "Action"). In response, Claims 1, 17 and 21 have been amended to include the recitations of Claim 8 and to clarify that the user request includes non-communications amenities. In addition, Claim 10 has been amended to clarify that the user request includes a particular service provider associated with the wireless network.

Applicants also appreciate the courtesy accorded by Examiner Julie E. Stein to the undersigned during a telephone interview on September 1, 2005 and acknowledge the Interview Summary mailed September 9, 2005. The present remarks also shall constitute an Interview Summary pursuant to MPEP §713.04.

During the interview, agreement was not reached as to the patentability of the pending claims. However, Examiner Stein indicated that U.S. Patent Application Publication No. 2004/0203873 to Gray ("Gray") may not teach a user request that includes non-communications amenities. In the remarks that follow, Applicants will repeat the analysis that was made during the telephone interview, will respond to remarks made by the Examiner during the telephone interview, and will provide additional analysis as to why the pending claims are patentable.

Independent Claims 17 and 21 are patentable over Gray

Original Claims 1-5, 8-12 and 15-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Gray. Claim 1 recites as follows:

1. A method for directing a mobile user to a wireless network access point comprising:
 - receiving a mobile user request for a location of a wireless network access point via a user terminal, wherein the user request comprises non-communication amenities;
 - identifying a geographic location of the mobile user responsive to receiving the user request; and
 - identifying a wireless network access point convenient to

the user that provides access to the non-communication amenities.

With respect to original Claim 8, the Action cites paragraphs 33 and 34 as allegedly disclosing that the user request includes amenities. As noted on page 3 of the Action, paragraphs 33 and 34 merely discuss downloading email. As shown and discussed, for example, in **Figure 5** and paragraph 37 of Gray, Gray appears limited to a Wireless Local Area Network (WLAN) position database 54 that finds WLAN access points 24 that are accessible by a WAN user 52. Gray does not disclose a user request that includes non-communication amenities or identifying a wireless network access point that provides access to non-communication amenities.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that independent Claim 1 is patentable over Gray. In addition, Applicants submit that Claims 17 and 21 are patentable for reasons similar to those discussed above with respect to Claim 1. Claims 2-7, 9-16, 18-19 and 21-22 are patentable at least per the patentability of the claims from which they depend.

Claim 10 is separately patentable over Gray

Claim 10 depends from Claim 1 and is patentable for at least the reasons discussed above. In addition, Claim 10 is separately patentable for at least the reasons that follow.

Claim 10 as amended recites as follows:

the user request includes a particular service provider associated with the wireless network, wherein identifying a wireless network access point further comprises identifying a wireless network access point provided by the particular service provider.

With respect to original Claim 10, the Action states on page 3 that an "ISP" is inherent. Claim 10 has been amended to clarify that, in some embodiments, the user request can include a particular service provider, and that a wireless network access point provided by the particular service provider can be identified. Accordingly, users can choose a particular service provider of an identified wireless network access convenient to the user. Applicants

Attorney Docket No. 9400-44
Application Serial No. 10/646,962
Filed: August 25, 2003
Page 8

submit that this feature is not taught or suggested by the cited art, and that Claim 10 is therefore separately patentable over Gray for at least these reasons.

Conclusion

In view of the above, it is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

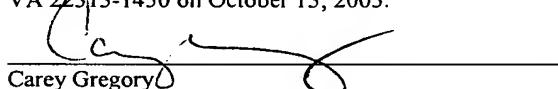


Laura M. Kelley
Registration No.: 48,441

USPTO Customer No. 39072
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

Certificate of Mailing under 37 CFR § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 13, 2005.



Carey Gregory

460117